



CODIFY
MINING REPORT

November 2020

Editors:

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THE NORTHERN MINER

GLOBAL MINING NEWS · SINCE 1915

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FEDERAL

SOR/2020-2019: Regulations Amending the *Nunavut Mining Regulations*

Registered September 28, 2020

Published October 14, 2020

ENABLING STATUTE

Territorial Lands Act R.S.C., 1985, c. T-7

GOVERNMENT NOTE

The purpose for the amendments to the *Nunavut Mining Regulations* was to introduce an online system to mark the boundaries of a mineral claim. This replaces the previous method of physically marking boundaries with wooden stakes, and will streamline the process to acquire exclusive rights for prospecting on Crown lands. Decisions on mineral claims will be made almost instantly, thus reducing delays and confusion over ownership. These changes ensure the territory will remain competitive with other mining jurisdictions in Canada.

The changes will also:

- increase the duration of a claim from 10 to 30 years;
- repeal prospecting permits (not affecting those in force prior to the amendments coming into force);
- allow for online payments and transactions;
- standardize mining lease rental payments;
- update mineral exploration work requirements on claims; and
- limit the cost of environmental baseline studies that can be used to satisfy work requirements.

Over the next 10 years, it is anticipated that \$62.9 million will be saved as a result of the changes.

EDITOR'S COMMENTS

- Inclusion of the necessary elements to include in an application for a section 3(2) license e.g. name, address, proof of age.
- Amendments to the process for renewal (as renewal applicants must include the above information in submissions to the Mining Recorder.)
- For lands not subject to a claim or are otherwise available for prospecting, the Minister may delay the opening of lands for prospecting where the Minister has reasonable grounds to believe there is unremedied environmental damage.
- All sections pertaining to prospecting permits are repealed and replaced with provisions regarding the Online Mining Rights Administration System. Provisions detail processes for applying for claims, expanding claims, the duration of claims and recording claims.

- All sections regarding the size, boundaries and marking of a claim, reporting and work requirements for claims and suspensions are repealed and replaced with provisions regarding unit charges for the right to hold a recorded claim under the new regime and provisions regarding reporting, work requirements and suspensions.
- Provisions regarding perimeter surveys and additional charges for excess area surveyed are repealed.
- When applying for a lease (section 60(3)), the cost of work for the claim must now be at least \$1,260 per unit and the total costs of the plan of survey, construction of any roads, airstrips and docks and environmental baseline studies does not exceed \$250.
- Provisions specific to COVID-19 rent payments are repealed and the annual rent for a lease issued after November 1, 2020 is increased to \$10/hectare.
- Applications to renew a lease are reduced from six months to 120 days before expiry and reductions of units included in the claim must be requested no later than one year before the day the lease expires.
- Provisions regarding the Prospecting Permit, Claim or Lease are repealed and replaced with provisions regarding the transferring of recorded claims or leases or an interest in either.
- The exchange rate is changed from “average noon exchange rate” to “average exchange rate”.
- Provisions regarding expired recorded claims from costs not eligible for development allowance, have been removed.
- Provisions regarding what the Mining Recorder must record and providing access to said recordings is repealed (sections 82 and 83).
- Provisions are repealed and replaced to provide transitional measured to implement the changes of the new regulations.

Editors note: the changes outlined above are not exhaustive, as many changes were made to accommodate for the new online process of recording a claim. Changes that were not included are those that amended provisions to change wording or are not material to operations.

Edited by Portia Biswas

SOURCE

<http://gazette.gc.ca/rp-pr/p2/2020/2020-10-14/html/sor-dors209-eng.html>

Alberta

Bill 36, Geothermal Resource Development Act

2nd Reading October 25, 2020

Published October 26, 2020

STATUTES OF INTEREST

Environmental Protection and Enhancement Act, c. E-12 RSA 2000

Mines and Minerals Act, c. M-17 RSA 2000

Oil and Gas Conservation Act, c. O-6 RSA 2000

Pipeline Act, c. P-15 RSA 2000

Responsible Energy Development Act, c. R-17.3 2012

GOVERNMENT NOTE

No summary.

EDITOR'S COMMENTS

- Creates a regulatory framework to guide the development of geothermal resources in Alberta.
- One of the main purposes of the Act is to provide for the economic, efficient, and responsible development of geothermal resources.
- Another purpose is to manage the development of geothermal energy along with other energy resources. To this end it protects the rights of surface, mineral, and subsurface owners.
- Amends the *Mines and Minerals Act* to allow the Crown to enter into contracts to explore or develop and recover geothermal resources.
- The Alberta Energy Regulator is the responsible regulator under the Act.

Edited by Erin Bower

SOURCE

<https://www.assembly.ab.ca/assembly-business/bills/bill?billinfoid=11871&from=bills>

MANITOBA

Bill 2, The Budget Implementation and Tax Statutes Amendment Act, 2020

1st Reading October 9, 2020

Published October 19, 2020

STATUTES OF INTEREST

The Fuel Tax Act, C.C.S.C. c. F192

The Mining Tax Act, C.C.S.M. c. M195

GOVERNMENT NOTE

This Bill implements tax and other measures that were announced in the 2020 Manitoba Budget. The Bill amends 69 different Acts.

EDITOR'S COMMENTS

The Fuel Tax Act

- New provision added (section 5(4)) providing that fuel purchased that is subject to an exemption in sections 9 to 12.1 but the fuel is used for a non-exempted purpose, then tax must be paid at the applicable rate and at the time it is reasonably determined that no exemption is available.
 - Relevant exemptions stipulated in section 9(1) include purchasing propane, natural gas, bunker fuel, crude oil, or marked fuel other than gasoline for use in operating a boat for prospecting (by the holder of a prospector's license under the *Mines and Minerals Act*, operating an engine off-road exclusively for exploring minerals as defined in *The Mining Tax Act*, and by a buyer mining for minerals as defined in *The Mining Tax Act* for drying mineral ore concentrates, heating the replacement air used to ventilate a processing plant or underground mine in Manitoba, operating an engine exclusively off-road to recover ore or transporting ore exclusively off-road from a mine in Manitoba to a processing centre in Manitoba.

The Mining Tax Act

- Section 43 is amended to read "The moneys received by way of tax under this Act, shall be paid into the Consolidated Fund and shall be used as general revenues of the government".
- Section 44, that pertains to the mining community reserve, is repealed and the fund is therefore discontinued.

Edited by Portia Biswas

SOURCE

<http://web2.gov.mb.ca/bills/42-3/b002e.php#Explanatory%20Note>

Bill 19, The Minor Amendments and Corrections Act, 2020

1st Reading October 14, 2020

Published October 19, 2020

STATUTES OF INTEREST

The Contaminated Sites Remediation Act, C.C.S.M. c. C205

The Mining Claim Tax Act, C.C.S.M. c. M165

GOVERNMENT NOTE

This Bill corrects typographical, numbering and other drafting errors and makes minor amendments to various Acts. The Bill also makes amendments to clarify ministerial responsibility for administration of a statute.

EDITOR'S COMMENTS

- Section 54 of *The Contaminated Sites Remediation Act* is amended by striking out "the Department of Conservation and Water Stewardship" and substituting "their department"; and by striking out "the department" and substituting "their department".
- Subsection 6(1) of *The Mining Claim Tax Act* is amended by striking out "Minister of Aboriginal and Northern Affairs" and substituting "minister responsible for the administration of *The Northern Affairs Act*".

Edited by Portia Biswas

SOURCE

<http://web2.gov.mb.ca/bills/42-3/b019e.php>

NUNAVUT

Bill 52, Nunavut Petroleum Products Commission Act

1st Reading October 22, 2020

Published October 23 2020

STATUTES OF INTEREST

Financial Administration Act, RSNWT (Nu) 1988, c F-4

Public Service Garnishee Act, RSNWT (Nu) 1988, c P-17

Qulliq Energy Corporation Act, RSNWT (Nu) 1988, c N-2

Revolving Funds Act, RSNWT (Nu) 1988, c R-7

NWT Energy Corporation LTD. Loan Guarantee Act, SNWT (Nu) 1995, c 18

GOVERNMENT NOTE

This Bill provides for creation of the Nunavut Petroleum Products Commission and regulates its operations.

EDITOR'S COMMENTS

- The Commission is to purchase, import, transport, store, process, distribute, deliver, sell and supply petroleum products and other fuels.
- The Commission is to manage risks relating to prices of petroleum products and other fuels by entering into agreements and transactions.
- The Commission is to plan and provide for Nunavut's long-term needs for affordable petroleum products and other fuels.
- The Commission is to recommend rates and tariffs for petroleum products, and other fuels and services.
- The Commission controls the financial funds necessary for its operation.

Edited by Erin Bower

SOURCE

<https://assembly.nu.ca/sites/default/files/Bill-52-NPPC-Act-EN-FR.pdf>

Bill 54, An Act to Amend the Revolving Funds Act

2nd Reading October 23, 2020

Published October 24, 2020

STATUTES OF INTEREST

Revolving Funds Act, R.S.N.W.T. 1988, c.R-7.

GOVERNMENT NOTE

This Bill amends the *Revolving Funds Act* to allow the Financial Management Board to increase the authorized limit of the Petroleum Products Revolving Fund.

EDITOR'S COMMENTS

- Adds "Financial Management Board" to section 1 as defined and established by the *Financial Administration Act*.
- Increases the authorized limit of the Petroleum Products Revolving Fund to \$250,000,000, subject to the Financial Management Board's discretion to increase it to a limit of \$350,000,000 for a renewable period of no more than one year.

Edited by Portia Biswas

SOURCE

<https://assembly.nu.ca/sites/default/files/Bill-54-Amend-Revolving-Funds-Act-EN-FR.pdf>

ONTARIO

Bill 214, Time Amendment Act, 2020

Referred to the Standing Committee on October 7, 2020

Published October 7, 2020

STATUTES OF INTEREST

Mining Act, R.S.O. 1990, c. M.14

GOVERNMENT NOTE

The Bill amends the *Time Act* to make the time now called daylight saving time the standard time year-round. Consequential amendments are made to the *Election Act*, the *Labour Relations Act, 1995* and the *Mining Act*.

EDITOR'S COMMENTS

- All references to “eastern daylight saving time” are struck out. These references are made in subsections 70(5), 72(1.2), 76 (4.1), and 197 (7).

Edited by Portia Biswas

SOURCE

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-214>

Bill 224, No Time to Waste Act (Plan for Climate Action and Jobs), 2020

1st Reading Carried October 27, 2020

Published October 27, 2020

STATUTES OF INTEREST

If passed the Bill would enact the following statutes:

- Climate Crisis Health Action Plan Act, 2020*
- Ontario Climate Crisis Strategy for the Public Sector Act, 2020*
- Select Committee on the Climate Crisis Act, 2020,*

GOVERNMENT NOTE

Schedule 3 enacts the *Select Committee on the Climate Crisis Act, 2020*, which establishes a select committee of the Legislative Assembly to be known as the Select Committee on the Climate Crisis. The Select Committee's mandate is to develop a comprehensive proposal to address climate-change related threats facing the society, environment and economy of the province of Ontario.

EDITOR'S COMMENTS

- This Bill contains three schedules which enact new legislation to address the climate crisis.
- Schedule 1 pertains to the Ontario health care system, and Schedule 2 pertains to energy consumption in Ontario's public sector.
- The Select Committee created in Schedule 3 would be a committee of the Legislative Assembly. The mandate of the Committee would be to prepare a report setting out its proposal no later than six months after the day on which the legislation comes in effect.

Edited by Erin Bower

SOURCE

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-224>

QUEBEC

Bill 44, An Act mainly to ensure effective governance of the fight against climate change and to promote electrification

Sanction October 22, 2020

Published October 23, 2020

STATUTES OF INTEREST

Q-2 - Environment Quality Act

GOVERNMENT NOTE

This Bill establishes the Minister of the Environment and the Fight Against Climate Change as the Government's adviser regarding the fight against climate change and designates the Minister the responsibility of ensuring the compliance of the government and other public bodies. The Minister is also responsible for ensuring integrated governance regarding energy transition, innovation, and efficiency and developing a master plan. Some provisions regarding the greenhouse cap-and-trade system are amended, various funds are renamed and bodies abolished.

EDITOR'S COMMENTS

- Provisions added permitting the Government to allocate some of the emission units that are allocated to a person to be sold at auction. Sums collected as a result of the sale will then be paid to the person and will be designated to a project aimed at reducing greenhouse gas emissions or to research and development in the area.
 - Persons who operate a business that emits greenhouse gases (an "emitter") is required to report emissions to the Minister. Emission units are a type of emission allowance designated by the Government to each emitter.

Edited by Portia Biswas

SOURCE

<http://m.assnat.qc.ca/en/travaux-parlementaires/projets-loi/projet-loi-42-42-1.html>

Other Provinces and Territories

NOTE: There was no new legislation pertinent to this report for the provinces and territories not mentioned above during the month of October.

Student Editors



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Full Bio:

Erin is a recent law school graduate from the University of Alberta. Prior to law school, she obtained a Bachelor of Science in Psychology from the University of Calgary. While at law school she became interested in natural resource law and energy law through her coursework. She also served for two years as a member of the Editorial Board for the Alberta Law Review. Currently, she is clerking at the Alberta Court of Appeal. After her time at the Court she will finish her articles with Osler, Hoskin & Harcourt LLP in Calgary.



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Full Bio:

Portia is a third-year law student at Osgoode Hall Law School and is currently a summer student at Aird & Berlis LLP in Toronto. Prior to law school, Portia obtained a Bachelor of Arts in

Psychology from Ryerson University. Portia's professional experience is rooted in the non-profit sector, with experience in development and corporate relations. She was introduced to the legal sector through her work as an editor for Thomson Reuters' ProView platform. Portia is the Director of Operations for Fair Change Legal Clinic which provides legal representation for street-involved individuals.

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Full Bio:

Michael's practice is focused in the mining industry. A member of the Global Mining Group, he acted as the group's co-ordinator from 2004-2012. A recognized expert, Michael has accumulated extensive experience on both Canadian and international mining projects.

Michael was Co-Chair of the International Bar Association's Mining Executive Committee and a past Director of both the Rocky Mountain Mineral Law Foundation and the Prospectors and Developers Association of Canada. Michael also frequently writes on important CSR trends in the mining industry, and speaks on a wide range of mining related topics.

Widely recognized for his mining expertise, Michael has been ranked in several leading legal publications including Chambers Global, Chambers Canada and the Canadian Legal Lexpert Directory. He has also been named Who's Who Legal's "Mining Lawyer of the Year" in 2010, 2011, 2012, 2014 and 2017, and been recognized in their International Who's Who of Mining Lawyers, for 13 consecutive years.



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Full Bio:

Jai is a corporate lawyer at Bennett Jones LLP, who focuses on capital market transactions with growing expertise advising clients in the mining industry.

A highly versatile lawyer, he draws from broad experience to advise clients on complex legal matters. Prior to Bennett Jones, Jai worked at Bell Canada leading regulatory projects on a national scale, and was previously seconded to both Volkswagen Group Canada and the enforcement branch of the Ontario Securities Commission.

Jai graduated from Osgoode Hall and the Schulich School of Business with a JD / MBA and also holds an undergraduate degree in business from Wilfrid Laurier University with a specialization in international finance and accounting.